

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:	)	Group Art Unit: 1612
	)	
ROSENTHAL et al.	)	Examiner: Roberts, Lezah
	)	
Serial No.: 10/728,277	)	<u>NOTICE OF APPEAL</u>
	)	
Filed: December 4, 2003	)	
	)	
Confirmation No.: 7142	)	
	)	
Atty. File No.: 42830-10010	)	VIA ELECTRONIC SUBMISSION
	)	
For: "TREATMENT OF MUCOSITIS"	)	

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir or Madam:

Appeal is hereby made to the Board of Appeals from the decision of the Examiner mailed June 9, 2010, finally rejecting Claims 1, 17, 19, 20, 24, 25, 31, 35, 38, 133-136, 142, 145 and 148-152. Enclosed herewith is a check in the amount of \$540.00 for the Notice of Appeal fee specified in 37 C.F.R. § 41.20(b).

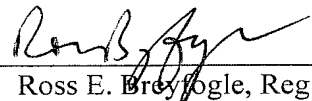
A petition for a two month extension of time under 37 C.F.R. § 1.136 is being submitted herewith along with payment of the extension fee. If any additional extension of time is due, please consider this submission as including a petition for such extension and charge any required extension fees to Deposit Account No. 50-1419.

This application has previously been the subject of an appeal, and therefore, it is believed that no additional fee for the current Notice of Appeal is required. However if any such additional fee is required, please charge such fee to Deposit Account No. 50-1419. If any other fees are due with this communication, please charge those fees to Deposit Account No. 50-1419.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

Date: Nov. 8, 2010

By:   
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